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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.
Plaintiff,

Case No. 1:19-cr-227
1:23-cr-37
(LJV)

PETER GERACE, JR.,

December 11, 2024

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF LOUIS SELVA
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES: TRINI E. ROSS, UNITED STATES ATTORNEY

BY: JOSEPH M. TRIPPI, ESQ.
NICHOLAS T. COOPER, ESQ.
CASEY L. CHALBECK, ESQ.

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For the Defendant

PRESENT:

KAREN A. CHAMPOUX, USA PARALEGAL
BRIAN A. BURNS, FBI SPECIAL AGENT
MARILYN K. HALLIDAY, HSI SPECIAL AGENT
OLIVIA A. PROIA, J.D., PARALEGAL

LAW CLERK:

REBECCA FABIAN IZZO, ESQ.

COURT CLERK:

COLLEEN M. DEMMA

REPORTER:

ANN MEISSNER SAWYER, FCRR, RPR, CRR
Robert H. Jackson Courthouse
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04:21PM 1 (Excerpt commenced at 4:21 p.m.)
04:21PM 2 (Jury is present.)
04:22PM 3 **THE COURT:** We're all getting our steps in today. I
04:22PM 4 said three minutes, I was spot on. The record will reflect
04:22PM 5 that all our jurors are present.
04:22PM 6 Mr. Tripi, you can call your next witness.
04:22PM 7 **MR. TRIPI:** Yes, we call Louis Selva, Your Honor.
04:22PM 8
04:22PM 9 **L O U I S S E L V A**, having been duly called and sworn,
04:22PM 10 testified as follows:
04:22PM 11 **MR. TRIPI:** May I proceed, Your Honor?
04:22PM 12 **THE COURT:** You may.
04:22PM 13
04:22PM 14 **DIRECT EXAMINATION BY MR. TRIPI:**
04:22PM 15 Q. Good afternoon, Mr. Selva.
04:22PM 16 A. Good afternoon.
04:22PM 17 Q. Mr. Selva, how old are you, sir?
04:22PM 18 A. 60.
04:22PM 19 Q. And where did you grow up?
04:22PM 20 A. In North Buffalo.
04:22PM 21 Q. Basically, with a brief stint in Las Vegas, have you
04:22PM 22 lived in the Buffalo area your whole life?
04:22PM 23 A. Yes, the exception of living in Arizona as well, yes, out
04:23PM 24 West for a little while.
04:23PM 25 Q. Did you go to Arizona for a period of time for some

04:23PM 1 college?

04:23PM 2 A. Yes.

04:23PM 3 Q. Did you live in Las Vegas for a short period of time?

04:23PM 4 A. I did.

04:23PM 5 Q. Other than that, you're from Buffalo?

04:23PM 6 A. Correct.

04:23PM 7 Q. What part of Buffalo did you grow up in?

04:23PM 8 A. North Buffalo, the north side.

04:23PM 9 Q. How far have you gone in school?

04:23PM 10 A. Just under -- I have three -- over -- a little over three

04:23PM 11 years of college. A little short of my bachelor's.

04:23PM 12 Q. Tell the jury what different types of jobs you have had

04:23PM 13 as an adult.

04:23PM 14 **THE COURT:** Mr. Selva, can you just move the

04:23PM 15 microphone up and speak right into it, please?

04:23PM 16 **THE WITNESS:** Yes. Mostly --

04:23PM 17 **THE COURT:** Put the microphone -- just move it over

04:23PM 18 to the side.

04:23PM 19 Mr. Tripi, help him, yeah.

04:23PM 20 **THE WITNESS:** Okay.

04:23PM 21 **THE COURT:** So, you, as you're looking at them, so

04:23PM 22 they can hear you.

04:24PM 23 **THE WITNESS:** In sales, sales management, and

04:24PM 24 bartending as well.

04:24PM 25

04:24PM 1 BY MR. TRIPI:

04:24PM 2 Q. Are you currently in the sales field?

04:24PM 3 A. I am.

04:24PM 4 Q. Have you also for a time, were you also a member of the

04:24PM 5 Erie County Sheriff's Department?

04:24PM 6 A. I was.

04:24PM 7 Q. What was your job there?

04:24PM 8 A. I was a deputy at the holding center.

04:24PM 9 Q. Did you resign that position as a result of some trouble

04:24PM 10 you got into that we're gonna touch upon during your

04:24PM 11 testimony today?

04:24PM 12 A. I did, yes.

04:24PM 13 Q. Okay. Do you know an individual named Joseph

04:24PM 14 Bongiovanni?

04:24PM 15 A. I do.

04:24PM 16 Q. Who is that?

04:24PM 17 A. At the time, we -- I had grown up with him. We were best

04:24PM 18 friends at the time.

04:24PM 19 Q. And you indicated you're best friends. At some point,

04:24PM 20 were you the best man at one of his weddings?

04:24PM 21 A. Yes.

04:24PM 22 Q. How many years have you known Joseph Bongiovanni?

04:24PM 23 A. Since grammar school. Since sixth grade.

04:24PM 24 Q. And do you know an individual named Peter Gerace Jr.?

04:25PM 25 A. Yes.

04:25PM 1 Q. How long have you known Peter Gerace Jr.?

04:25PM 2 A. Since we were teenagers, 20s.

04:25PM 3 Q. How did you meet Peter Gerace Jr.?

04:25PM 4 If you're gonna turn back away, we've got to move the mic
04:25PM 5 back in front of you, okay?

04:25PM 6 A. Just from growing up. Growing up in the neighborhood.

04:25PM 7 Just different -- I don't remember where exactly we met, but
04:25PM 8 we've known each other.

04:25PM 9 Q. As you grew up in the neighborhood, did you know Joseph
04:25PM 10 Bongiovanni and Peter Gerace Jr. to be friends?

04:25PM 11 A. Yes.

04:25PM 12 Q. What was the nature of their relationship, based on your
04:25PM 13 observations and experiences?

04:25PM 14 A. They were close. They were good friends.

04:25PM 15 Q. Do you see Peter Gerace Jr. in court today?

04:25PM 16 A. Yes.

04:25PM 17 Q. Can you please point to him and describe something he's
04:25PM 18 wearing?

04:25PM 19 A. He's at the defense table in the middle wearing a suit,
04:25PM 20 dark suit and a tie.

04:25PM 21 **MR. TRIPI:** May the record reflect that the witness
04:25PM 22 has identified the defendant, Your Honor.

04:25PM 23 **THE COURT:** It does.

04:25PM 24 **BY MR. TRIPI:**

04:25PM 25 Q. All right. Getting back to Bongiovanni just for a

04:26PM 1 moment. Would you characterize yourself as sort of his
04:26PM 2 childhood best friend and all the way into adulthood?

04:26PM 3 A. Yes, one of them. He had other best friends, but yes, we
04:26PM 4 were close.

04:26PM 5 Q. Did you go to grammar school with Mr. Bongiovanni? Same
04:26PM 6 grammar school?

04:26PM 7 A. Yes, from sixth grade on.

04:26PM 8 Q. Did you attend three different high schools:

04:26PM 9 Saint Joe's, Canisius, and Cardinal O'Hara?

04:26PM 10 A. That's correct.

04:26PM 11 Q. Ultimately, did you graduate from Bennett High School?

04:26PM 12 A. That's correct.

04:26PM 13 Q. So as it relates to the Saint Joe's, Canisius, and

04:26PM 14 Cardinal O'Hara, was that freshman, sophomore, junior year?

04:26PM 15 A. Yes, sir.

04:26PM 16 Q. Was Mr. Bongiovanni a classmate at all of those same
04:26PM 17 schools with you?

04:26PM 18 A. Yes, he was.

04:26PM 19 Q. After high school, did you spend a little bit of time in
04:26PM 20 the Air Force?

04:26PM 21 A. I did.

04:26PM 22 Q. Ultimately, you received a separation from the Air Force?

04:26PM 23 A. Yes, separation under honorable conditions.

04:26PM 24 Q. And did you also attend college, I think you said, over
04:27PM 25 three years of college credit?

04:27PM 1 A. Yes.

04:27PM 2 Q. At Mesa Junior College in Arizona?

04:27PM 3 A. There for two years, and then Buff State.

04:27PM 4 Q. Buff State for one year?

04:27PM 5 A. Buffalo State locally, yes, sir.

04:27PM 6 Q. You indicated for a period of your adult life you worked

04:27PM 7 at the Erie County Sheriff's Office. What -- what time

04:27PM 8 period of your life was that? Approximately what year?

04:27PM 9 A. Well, it was going -- it would be -- when was it? March

04:27PM 10 9th -- March of 2019 until I resigned, which was the end of

04:27PM 11 August of 2019.

04:27PM 12 Q. And specifically did you resign August 23rd, 2019, when

04:27PM 13 Homeland Security Investigations executed a federal search

04:27PM 14 warrant at your residence?

04:27PM 15 A. That's correct.

04:27PM 16 Q. Okay. I'll get into that in slightly more detail later.

04:27PM 17 **MR. TRIPI:** But if we can show the witness

04:27PM 18 Exhibit 215, please, for the witness only at this point, I

04:28PM 19 think.

04:28PM 20 **BY MR. TRIPI:**

04:28PM 21 Q. Okay. As a part of your -- let me ask you a few

04:28PM 22 questions while you look at that.

04:28PM 23 As a part of your application to become a member of the

04:28PM 24 Erie County Sheriff's Office, in part did you have to list

04:28PM 25 some references?

04:28PM 1 A. I did, yes.

04:28PM 2 Q. Did you fill out a list of references as part of the
04:28PM 3 application process?

04:28PM 4 A. Yes.

04:28PM 5 Q. Do you recognize the Exhibit 215 in redacted format
04:28PM 6 that's in front of you?

04:28PM 7 A. Yes.

04:28PM 8 Q. What do you recognize that to be?

04:28PM 9 A. Those are the references that I provided.

04:28PM 10 Q. Is that -- other than the redacted box and the fact that

04:28PM 11 it's just page 10 of the application, does that fairly and

04:28PM 12 accurately depict the references that you listed when you

04:28PM 13 were applying to become a member of the Erie County Sheriff's

04:28PM 14 Office?

04:28PM 15 A. That's correct, yes.

04:28PM 16 **MR. TRIPI:** The government offers Exhibit 215,

04:28PM 17 Your Honor.

04:28PM 18 **MR. FOTI:** No objection.

04:28PM 19 **THE COURT:** Received without objection.

04:28PM 20 **(GOV Exhibit 215 was received in evidence.)**

04:28PM 21 **MR. TRIPI:** Can we publish this just, briefly?

04:29PM 22 **BY MR. TRIPI:**

04:29PM 23 Q. I want to focus in on this one name, the top sort of box
04:29PM 24 there.

04:29PM 25 Who did you list as your -- in order of sequence down the

04:29PM 1 list there, number 1 reference?

04:29PM 2 A. Joseph Bongiovanni.

04:29PM 3 Q. And did you describe his occupation in the application?

04:29PM 4 A. I did, yes.

04:29PM 5 Q. What was the description that you provided?

04:29PM 6 A. Special agent, Drug Enforcement Agency.

04:29PM 7 Q. And that's the DEA?

04:29PM 8 A. The DEA.

04:29PM 9 Q. And at the time of the application, did you list how long
04:29PM 10 you had known Mr. Bongiovanni?

04:29PM 11 A. Yes.

04:29PM 12 Q. And how long -- how much time had you known him as of the
04:29PM 13 time of your application in 2019?

04:29PM 14 A. Oh, 45 years.

04:29PM 15 Q. Now, I just said 2019. I introduced that year, and I may
04:29PM 16 have misspoke. Did the application process begin in 2018?

04:29PM 17 A. I believe so, yes.

04:29PM 18 Q. Okay.

04:29PM 19 A. Before I got appointed.

04:29PM 20 Q. I apologize for that.

04:29PM 21 **MR. TRIPI:** All right. Can we take that down. For
04:29PM 22 the witness only, can we bring up Government Exhibit 109AA.

04:29PM 23 **BY MR. TRIPI:**

04:30PM 24 Q. I'm gonna ask you a couple questions, and I'm going to
04:30PM 25 ask you some questions about the image on the screen.

04:30PM 1 Ultimately, after going through the application process,
04:30PM 2 were you hired by the Erie County Sheriff's Office?

04:30PM 3 A. I was, yes.

04:30PM 4 Q. And after you are told you're gonna be hired, do you have
04:30PM 5 to complete some training courses before you're officially a
04:30PM 6 sheriff deputy?

04:30PM 7 A. You have to go through the academy.

04:30PM 8 Q. Okay. And is there a graduation associated with the
04:30PM 9 academy?

04:30PM 10 A. There is.

04:30PM 11 Q. Looking at now on the screen Government Exhibit 109AA, do
04:30PM 12 you recognize what's there?

04:30PM 13 A. That's the day I graduated from the academy.

04:30PM 14 Q. So that's an image of a picture on your screen, right?

04:30PM 15 A. Yes.

04:30PM 16 Q. Does that fairly and accurately depict a moment in time
04:30PM 17 from the day of your graduation from the academy?

04:30PM 18 A. Yes.

04:30PM 19 **MR. TRIPI:** The government offers Exhibit 109AA,
04:30PM 20 Your Honor.

04:30PM 21 **MR. SOEHNLEIN:** No objection.

04:30PM 22 **THE COURT:** Received without objection.

04:31PM 23 **(GOV Exhibit 109AA was received in evidence.)**

04:31PM 24 **MR. TRIPI:** If we can publish that for the jury.

25

04:31PM 1 **BY MR. TRIPI:**

04:31PM 2 Q. Can you tell us who's in the middle of the photograph
04:31PM 3 there?

04:31PM 4 A. That's myself.

04:31PM 5 Q. And if we're looking at the picture to the left of the
04:31PM 6 picture, but to your right as you were situated in the photo,
04:31PM 7 who's that?

04:31PM 8 A. Joseph Bongiovanni.

04:31PM 9 Q. Okay. And just for completeness, I guess, who's that
04:31PM 10 other person?

04:31PM 11 A. Victor Sorrento.

04:31PM 12 Q. Is he another friend of yours?

04:31PM 13 A. Yes.

04:31PM 14 **MR. TRIPI:** We can take that down.

04:31PM 15 **BY MR. TRIPI:**

04:31PM 16 Q. Now, in your life experience with Mr. Bongiovanni, in
04:31PM 17 terms of your relationship, have you also been a character
04:31PM 18 reference for him on a -- a prior application?

04:31PM 19 A. Yes.

04:31PM 20 Q. What was that all about?

04:31PM 21 A. I believe it was his pistol permit.

04:31PM 22 **MR. TRIPI:** Okay. Can we show Government
04:31PM 23 Exhibit 143A-1 for the witness only?

04:31PM 24 **BY MR. TRIPI:**

04:31PM 25 Q. All right. I'm gonna ask you just orient yourself to

04:32PM 1 that, and I'll ask you a couple questions. Let me know when
04:32PM 2 you're done.

04:32PM 3 A. Okay.

04:32PM 4 Q. Do you recognize that document that's up on the screen
04:32PM 5 even though it's redacted?

04:32PM 6 A. Yes.

04:32PM 7 Q. What do you recognize that to be?

04:32PM 8 A. That's an application for a pistol permit from Joseph
04:32PM 9 Bongiovanni.

04:32PM 10 Q. And as part of that application, did you serve as a
04:32PM 11 character reference?

04:32PM 12 A. I did, yes.

04:32PM 13 Q. Did your information get input into the application, and
04:32PM 14 did you sign it verifying it?

04:32PM 15 A. Yes.

04:32PM 16 Q. Do you recognize your signature there?

04:32PM 17 A. Yes.

04:32PM 18 Q. Other than the redactions, does this page fairly and
04:32PM 19 accurately depict a portion of a character reference that you
04:32PM 20 provided for Mr. Bongiovanni back when he was applying for a
04:32PM 21 pistol permit?

04:32PM 22 A. Correct, yes.

04:32PM 23 **MR. TRIPPI:** The government offers Exhibit 143A-1,
04:32PM 24 Your Honor.

04:32PM 25 **MR. SOEHNLEIN:** No objection.

04:32PM 1 **THE COURT:** Received without objection.

04:32PM 2 **(GOV Exhibit 143A-1 was received in evidence.)**

04:32PM 3 **MR. TRIPI:** Thank you. Okay. We can take that down.

04:32PM 4 **BY MR. TRIPI:**

04:32PM 5 Q. I'm gonna ask you some very specific questions. If you
04:33PM 6 could, to the extent possible, limit your answers just to yes
04:33PM 7 or no, and if I need to ask some followups I will.

04:33PM 8 A. Go ahead.

04:33PM 9 Q. Are you here today testifying under the terms of a
04:33PM 10 cooperation agreement with the United States government?

04:33PM 11 A. An agreement, but I -- I have nothing guaranteed, yes.

04:33PM 12 Q. Just the question is --

04:33PM 13 A. Yes.

04:33PM 14 Q. -- as you sit here today, do you have a cooperation
04:33PM 15 agreement?

04:33PM 16 A. Yes.

04:33PM 17 Q. Okay. And who is that agreement between?

04:33PM 18 A. Myself and the U.S. Attorney's Office.

04:33PM 19 Q. Okay. Now I want to talk about the things that preceded
04:33PM 20 you entering that agreement, okay? And sort of just limit
04:33PM 21 your answers if you could.

04:33PM 22 Prior to you coming to that agreement with the U.S.

04:33PM 23 Attorney's Office, your house was searched by Homeland
04:33PM 24 Security Investigations on August 23rd, 2019; is that
04:33PM 25 correct?

04:33PM 1 A. That's correct.

04:33PM 2 Q. Prior to that date, had you been involved in distribution
04:34PM 3 of marijuana with others?

04:34PM 4 A. Yes.

04:34PM 5 Q. Had that conduct you were engaged in gone on for a long
04:34PM 6 time?

04:34PM 7 A. Yes.

04:34PM 8 Q. The day of that search warrant that was executed at your
04:34PM 9 residence, were you getting ready for work that morning to go
04:34PM 10 to work as an Erie County sheriff deputy?

04:34PM 11 A. I was.

04:34PM 12 Q. Did you work at the jail?

04:34PM 13 A. I did.

04:34PM 14 Q. Was basically your job to guard prisoners in the Erie
04:34PM 15 County Holding Center?

04:34PM 16 A. Correct.

04:34PM 17 Q. All right. That morning when you were getting ready to
04:34PM 18 go to work, Homeland Security executed a search warrant; is
04:34PM 19 that right?

04:34PM 20 A. That's correct.

04:34PM 21 Q. Did they find in your residence evidence associated with
04:34PM 22 your marijuana distribution activity that you had been
04:34PM 23 involved in for a long time?

04:34PM 24 A. Yes. They did.

04:35PM 25 **THE COURT:** Into the microphone, please.

04:35PM 1 **THE WITNESS:** Yes, they did.

04:35PM 2 I'm sorry. I'm sorry, Your Honor.

04:35PM 3 **THE COURT:** That's okay.

04:35PM 4 **BY MR. TRIPPI:**

04:35PM 5 Q. I just want to go through some examples of some of the
04:35PM 6 things that were in your house.

04:35PM 7 Was there a grow lamp in your house?

04:35PM 8 A. There was.

04:35PM 9 Q. Was there some leftover marijuana in your house?

04:35PM 10 A. Scraps, yes.

04:35PM 11 Q. Little bit?

04:35PM 12 A. A little bit, yes.

04:35PM 13 Q. Was that the scraps, as you called them, evidence of
04:35PM 14 things that had been going on in your house?

04:35PM 15 A. Yes.

04:35PM 16 Q. Did you have some firearms that you had as well?

04:35PM 17 A. Yes.

04:35PM 18 Q. Okay. After that did -- in your house, without getting

04:35PM 19 into what you said, did you have an interview in some

04:35PM 20 substance with Homeland Security Special Agent Marilyn

04:35PM 21 Halliday?

04:35PM 22 A. Yes.

04:35PM 23 Q. Did you provide her your cell phone, and allow Homeland

04:35PM 24 Security consent to search your phone?

04:35PM 25 A. I did, yes.

04:35PM 1 Q. Did you then go to the Sheriff's Office? Were you
04:36PM 2 transported there by a member of the Sheriff's Office?

04:36PM 3 A. Correct.

04:36PM 4 Q. Did you resign your position?

04:36PM 5 A. I did.

04:36PM 6 Q. In that interview with Ms. Halliday, did you tell a

04:36PM 7 little bit of truthful information but withhold a lot of

04:36PM 8 details pertaining to what you were involved in?

04:36PM 9 A. Yes, exactly.

04:36PM 10 Q. Okay. Following that search warrant and then your

04:36PM 11 resignation, that following Monday, okay, did you come into

04:36PM 12 the U.S. Attorney's Office with an attorney?

04:36PM 13 A. Yes.

04:36PM 14 Q. Did you engage in what's called a proffer interview?

04:36PM 15 A. I did.

04:36PM 16 Q. Did you and your attorney execute that document, and did

04:36PM 17 you agree to answer questions?

04:36PM 18 A. Yes.

04:36PM 19 Q. At that time, were you hoping that answering questions

04:36PM 20 would, under the terms of that proffer agreement, would

04:36PM 21 potentially benefit you down the road?

04:36PM 22 A. That's correct, yes.

04:36PM 23 Q. After your initial proffer, is there a provision in the

04:37PM 24 proffer agreement that when you sign it, you agree to do a

04:37PM 25 polygraph interview?

04:37PM 1 A. That's correct.

04:37PM 2 Q. Were you asked to do a polygraph?

04:37PM 3 A. Yes.

04:37PM 4 Q. Did you -- did you participate in a polygraph that was
04:37PM 5 conducted by Homeland Security Investigations?

04:37PM 6 A. Yes.

04:37PM 7 Q. Now, I want to focus you in on that polygraph, okay?

04:37PM 8 A. Okay.

04:37PM 9 Q. And, again, just answer my questions yes or no.

04:37PM 10 Prior to -- at some point in your relationship with

04:37PM 11 Joseph Bongiovanni prior to Homeland Security searching your

04:37PM 12 house, prior to your resignation, prior to the first proffer

04:37PM 13 you were in, and prior to the polygraph, okay, prior to all

04:37PM 14 that occurring, at some point in your relationship with

04:37PM 15 Mr. Bongiovanni, had he given you a directive or an

04:38PM 16 instruction about what to do if law enforcement ever

04:38PM 17 approached you asking you questions about criminal activity?

04:38PM 18 A. Yes.

04:38PM 19 Q. What was the directive or instruction he provided you to
04:38PM 20 give?

04:38PM 21 A. To say that I was an informant working for him.

04:38PM 22 Q. Okay. Now, was that ever true?

04:38PM 23 A. No.

04:38PM 24 Q. Was that a lie?

04:38PM 25 A. Yes.

04:38PM 1 Q. Did you try to repeat that lie the day of your polygraph?

04:38PM 2 A. Yes.

04:38PM 3 Q. Did that not work out for you?

04:38PM 4 A. It did not, no.

04:38PM 5 Q. Okay. After the polygraph, did you engage in more

04:38PM 6 interviews with law enforcement under the terms of that

04:38PM 7 proffer agreement?

04:38PM 8 A. I did, yes.

04:38PM 9 Q. Were those generally at the U.S. Attorney's Office?

04:38PM 10 A. They were.

04:38PM 11 Q. Over time, did you provide more information?

04:38PM 12 A. Yes.

04:38PM 13 Q. Okay. As you sit there today -- withdrawn.

04:38PM 14 Eventually, did you enter that cooperation agreement on

04:39PM 15 May 14th, 2020?

04:39PM 16 A. That's correct.

04:39PM 17 Q. In terms of the reasons that you withheld information for

04:39PM 18 a period of time, I want to ask some more "yes" or "no"

04:39PM 19 questions, okay?

04:39PM 20 A. Okay.

04:39PM 21 Q. Did that -- was that because of your friendship with

04:39PM 22 Mr. Bongiovanni?

04:39PM 23 A. Yes.

04:39PM 24 Q. Was that also because of fear you had of being labeled a

04:39PM 25 snitch in the neighborhood?

04:39PM 1 A. Yes.

04:39PM 2 Q. Okay. What does your cooperation agreement require of
04:39PM 3 you?

04:39PM 4 A. Tell the truth.

04:39PM 5 Q. Does it require you to testify in any particular way?

04:39PM 6 A. No.

04:39PM 7 Q. Is it contingent on the results of any proceeding or
04:39PM 8 trial?

04:39PM 9 A. No.

04:39PM 10 Q. In terms of your conduct, ultimately was it your activity
04:40PM 11 and what you were involved in that caused you to have to
04:40PM 12 resign and puts you in this position?

04:40PM 13 A. That's correct.

04:40PM 14 Q. Are you responsible for it?

04:40PM 15 A. I am.

04:40PM 16 Q. Do you intend to tell this jury the truth?

04:40PM 17 A. I do.

04:40PM 18 Q. Okay. We talked a little bit about Peter Gerace. You
04:40PM 19 indicated you met him, and I don't want to forget what the
04:40PM 20 answer was. Was that in your teenage years, you said?

04:40PM 21 A. Yes. Yeah. When we were younger, yes.

04:40PM 22 Q. At one point, were -- was Mr. Bongiovanni a bartender
04:40PM 23 growing up?

04:40PM 24 A. He was, yes.

04:40PM 25 Q. Where was he a bartender?

04:40PM 1 A. A place called the Ramada, The Bubble, it was called.

04:40PM 2 Q. Where was that located?

04:40PM 3 A. On Transit Road.

04:40PM 4 Q. Is that over by the Buffalo-Niagara International

04:40PM 5 Airport?

04:40PM 6 A. Yeah. Yeah, yes, that vicinity.

04:40PM 7 Q. Generally?

04:40PM 8 A. Generally, yes. Sorry.

04:41PM 9 Q. And there was a bar inside the Ramada. Was that a hotel?

04:41PM 10 A. Yes. And there was a nightclub they called The Bubble.

04:41PM 11 Q. Okay.

04:41PM 12 A. I think.

04:41PM 13 Q. Would you go and visit Mr. Bongiovanni when he worked

04:41PM 14 there?

04:41PM 15 A. Yeah. A few times, yeah.

04:41PM 16 Q. Did you know this defendant to also work with

04:41PM 17 Mr. Bongiovanni at that bar?

04:41PM 18 A. Yes.

04:41PM 19 Q. Did you see them work together?

04:41PM 20 A. Few times I was there, yes.

04:41PM 21 Q. I'd like to focus you in a little bit more on sort of

04:41PM 22 your relationship with Mr. Bongiovanni and sort of growing up

04:41PM 23 in the neighborhood, okay?

04:41PM 24 A. Okay.

04:41PM 25 Q. You indicated that you grew up in North Buffalo, right?

04:41PM 1 A. Correct.

04:41PM 2 Q. Was that a predominantly Italian neighborhood?

04:41PM 3 A. It was.

04:41PM 4 Q. Were you friends with predominantly Italian men?

04:41PM 5 A. Correct.

04:42PM 6 Q. Would that hold true for Mr. Bongiovanni? Were his

04:42PM 7 friends your same friend group?

04:42PM 8 A. Yes, sir.

04:42PM 9 Q. Were they of Italian descent?

04:42PM 10 A. They were.

04:42PM 11 Q. Early in life, high school and beyond, did you experiment

04:42PM 12 with drugs?

04:42PM 13 A. Yes.

04:42PM 14 Q. Have you used marijuana?

04:42PM 15 A. Yes.

04:42PM 16 Q. Have you used cocaine?

04:42PM 17 A. Yes.

04:42PM 18 Q. Did Mr. Bongiovanni also experiment with those same drugs

04:42PM 19 with you?

04:42PM 20 A. Yes.

04:42PM 21 Q. Where did you live in proximity to Mr. Bongiovanni

04:42PM 22 growing up in North Buffalo?

04:42PM 23 A. Few blocks away. I mean, actually originally around the

04:42PM 24 corner. He lived on a street called Lovering. I lived on

04:42PM 25 Commonwealth, and then we moved to Tennyson which was all in

04:43PM 1 the same area.

04:43PM 2 Q. And which grammar school did you guys go to together?

04:43PM 3 A. P.S. Number 81.

04:43PM 4 Q. And that's where you met?

04:43PM 5 A. That's correct.

04:43PM 6 Q. So you would see each other at school?

04:43PM 7 A. Yes.

04:43PM 8 Q. And when you were out of school, would you hang out?

04:43PM 9 A. Yes.

04:43PM 10 Q. Did you spend some time at his house with his parents
04:43PM 11 growing up?

04:43PM 12 A. Yes.

04:43PM 13 Q. Do you know his whole family?

04:43PM 14 A. Yes.

04:43PM 15 Q. Does he know your whole family?

04:43PM 16 A. Yes.

04:43PM 17 Q. Growing up in the neighborhood, as time went on, did you
04:43PM 18 and Mr. Bongiovanni -- and this is just one of those "yes" or
04:43PM 19 "no" questions -- did you ever engage in conversations about
04:43PM 20 what we're referring to as Italian Organized Crime with
04:43PM 21 Mr. Bongiovanni?

04:43PM 22 A. Yeah. It came up, sure, yes.

04:43PM 23 Q. That topic of conversation came up on occasion?

04:43PM 24 A. Yeah.

04:43PM 25 Q. Okay. I'm just going to -- I'm going to ask you

04:43PM 1 questions, and I really -- these questions are designed to
04:43PM 2 talk about Mr. Bongiovanni's mindset when we're talking about
04:43PM 3 it, okay?

04:43PM 4 A. Okay.

04:44PM 5 Q. Just to focus you in.

04:44PM 6 A. Okay.

04:44PM 7 Q. Growing up in that neighborhood, did you personally
04:44PM 8 develop a perception of certain people in the neighborhood
04:44PM 9 based upon things you heard from other people in the
04:44PM 10 neighborhood, news reports, books, things like that?

04:44PM 11 A. All of that, perception, yes.

04:44PM 12 Q. Did you -- did you form opinions as to who may or may not
04:44PM 13 be part of Italian Organized Crime as you were growing up in
04:44PM 14 the neighborhood?

04:44PM 15 A. Yes. When I was younger, yes.

04:44PM 16 Q. That's what I'm asking you about.

04:44PM 17 A. Yes.

04:44PM 18 Q. When you were with Mr. Bongiovanni, would you and he
04:44PM 19 engage in some of those discussions about some of those
04:44PM 20 people in the neighborhood?

04:44PM 21 A. Yes.

04:44PM 22 Q. Were there some people that you had opinions based, upon
04:44PM 23 the reputation in the neighborhood, that you believed they
04:44PM 24 were associated with Italian Organized Crime?

04:44PM 25 A. From things you heard, yes. Yes.

04:44PM 1 Q. That's a yes?

04:44PM 2 A. Yes.

04:44PM 3 Q. When you discussed that topic with Mr. Bongiovanni, did
04:45PM 4 he have his own opinions as well?

04:45PM 5 A. Yes.

04:45PM 6 Q. When you were present with Mr. Bongiovanni in the
04:45PM 7 neighborhood in various social situations, did you ever see
04:45PM 8 him go and sort of show respect to people that you believed,
04:45PM 9 based on things you'd heard, opinions you formed, were --
04:45PM 10 were, by reputation at least, connected to Italian Organized
04:45PM 11 Crime?

04:45PM 12 **MR. SOEHNLEIN:** I'm just going to object to form of
04:45PM 13 that question.

04:45PM 14 **MR. TRIPI:** Did you understand my question?

04:45PM 15 **THE WITNESS:** I did, yes.

04:45PM 16 **THE COURT:** I'm going to sustain the form of the
04:45PM 17 question. It was a little unwieldy, Mr. Tripi, so --

04:45PM 18 **MR. TRIPI:** Yeah, I'm trying to be mindful of the
04:45PM 19 time, and I maybe tried to ask it in too convoluted of a way,
04:45PM 20 so I --

04:45PM 21 **THE COURT:** Sometimes by trying to save time, we end
04:45PM 22 up wasting it, so go ahead.

04:45PM 23 **MR. TRIPI:** You are correct, Judge, that's what I
04:45PM 24 did.

04:45PM 25

04:45PM

1 BY MR. TRIPI:

2 Q. When you were present with Mr. Bongiovanni, did you
3 observe him show respect to individuals that you had both
4 discussed as being, by reputation, connected to organized
5 crime?

6 A. By reputation, yes.

7 Q. What was Mr. Bongiovanni's demeanor around those types of
8 individuals?

9 A. Just friendly. One of respect. Just, hello, goodbye.
10 Brief.

11 Q. What do you mean by respect or respectful?

12 A. Just saying hello. I mean, shaking their hand. Just
13 acknowledging their presence. Just being friendly.

14 Q. Was it important to you to know who people were in
15 relation to one another in the neighborhood?

16 A. It wasn't important, but I -- you hear things and, yeah.
17 Sure, I knew.

18 Q. Did -- did you perceive Mr. Bongiovanni to care about
19 individual status in the neighborhood?

20 A. Yeah. In a sense, yes.

21 Q. Now, again, I told you about sort of Mr. Bongiovanni's
22 state of mind. When you were growing up through the years
23 with him, did he ever tell you about any of his father's
24 friends and -- regarding whether or not they were connected
25 to Italian Organized Crime?

04:47PM 1 A. His father was a card player, so yes, he would talk about
04:47PM 2 some of his dad's friends.

04:47PM 3 Q. When Mr. Bongiovanni would bring up his father's friends'
04:47PM 4 names, did he do it in a respectful sort of way?

04:47PM 5 A. Yes.

04:47PM 6 Q. Did he seem to have an affinity for those people that he
04:47PM 7 reported to you were his father's friends?

04:47PM 8 A. Yeah, it was one of respect. He was always kind to them.

04:47PM 9 Q. Some of -- who -- what was Mr. Bongiovanni's father's
04:47PM 10 name? I should ask that.

04:47PM 11 A. Fred.

04:47PM 12 Q. Okay. Who were some people that in that context,
04:48PM 13 perception, reputation of their involvement in Italian

04:48PM 14 Organized Crime, who were some of the people that

04:48PM 15 Mr. Bongiovanni named to you that his father was friends
04:48PM 16 with?

04:48PM 17 A. I -- his father played cards. I -- he had an uncle he
04:48PM 18 referenced in Las Vegas.

04:48PM 19 Q. I'm talking about Buffalo right now.

04:48PM 20 A. Oh, okay.

04:48PM 21 Q. The names in Buffalo, and I'll get to Las Vegas in a
04:48PM 22 moment.

04:48PM 23 A. I can't remember exactly --

04:48PM 24 Q. Okay.

04:48PM 25 A. -- in Buffalo.

04:48PM 1 **MR. TRIPI:** Ms. Champoux, for the witness only, can
04:48PM 2 we pull up Government Exhibit 3540N?

04:48PM 3 And I'm, for the witness, we're going to have him
04:48PM 4 read pages 23 and 24, Your Honor.

04:48PM 5 **BY MR. TRIPI:**

04:48PM 6 Q. This will be on your screen, Mr. Selva. I'm going to
04:48PM 7 want you to read those pages.

04:49PM 8 You tell us when you need the page flipped, okay?

04:49PM 9 A. Okay.

04:49PM 10 **MR. TRIPI:** Okay. Ms. Champoux, can we flip to page
04:49PM 11 24 for the witness only, please?

04:49PM 12 **BY MR. TRIPI:**

04:49PM 13 Q. Maybe just let me know when you get to line 18, that
04:49PM 14 should be about it.

04:50PM 15 A. Okay.

04:50PM 16 Q. Okay. We'll take that down off the screen. Did that
04:50PM 17 refresh your recollection as to names Mr. Bongiovanni
04:50PM 18 mentioned?

04:50PM 19 A. Yes.

04:50PM 20 Q. What were the names you that you recall him mentioning in
04:50PM 21 relation to his father's friends?

04:50PM 22 A. From playing cards on Hertel, Tom Machelli, Joe Rosado,
04:50PM 23 Gabby Cino, I believe that was it.

04:50PM 24 Q. Was there a John Catanzaro, as well?

04:50PM 25 A. Yes, and John Catanzaro.

04:50PM 1 Q. Mr. Selva, are you nervous mentioning these names?

04:50PM 2 A. Yes.

04:50PM 3 Q. Okay. You understand when I ask the questions, you've
04:50PM 4 got to answer them though, right?

04:50PM 5 A. Correct.

04:50PM 6 Q. By reputation in that same community you grew up in, did

04:50PM 7 Defendant Gerace's grandfather have a reputation that you

04:51PM 8 were aware of related to Italian Organized Crime?

04:51PM 9 A. Yes, from what I read in the paper.

04:51PM 10 Q. What was that reputation?

04:51PM 11 A. From what the paper said and what people said?

04:51PM 12 Q. Yeah.

04:51PM 13 A. Yeah. That he was the head of organized crime.

04:51PM 14 Q. Are we reference -- what's the name of the person you're
04:51PM 15 referencing?

04:51PM 16 A. Joseph Todaro Sr.

04:51PM 17 Q. Now you've mentioned Mr. Bongiovanni's father played

04:51PM 18 cards a few times. Were you familiar with a location on

04:51PM 19 Hertel Avenue where Mr. Bongiovanni's father played cards?

04:51PM 20 A. Yes.

04:51PM 21 Q. Where was that?

04:51PM 22 A. 1231, or 12 -- I don't know the exact address, but it was
04:51PM 23 on Hertel Avenue between Commonwealth and Lovering, I
04:51PM 24 believe.

04:51PM 25 Q. If I said the number, do you think it would jog your

04:51PM 1 memory?

04:51PM 2 A. Yes.

04:51PM 3 Q. 1234 Hertel?

04:51PM 4 A. Yes, that would be it.

04:52PM 5 Q. Did that location have a nickname that you were aware of
04:52PM 6 in the neighborhood?

04:52PM 7 A. The Club. They just called it The Club.

04:52PM 8 Q. What was your understanding of what happened at that
04:52PM 9 location?

04:52PM 10 A. Guys would be playing cards, it was a social club.

04:52PM 11 Q. Okay. What, if any, connection were you aware of between
04:52PM 12 Mr. Bongiovanni's father and that location? You mentioned
04:52PM 13 card playing. Can you elaborate?

04:52PM 14 A. Yeah. His father would go there quite a bit as he got
04:52PM 15 retired, he was an avid card player, so he spent a lot of
04:52PM 16 time there.

04:52PM 17 Q. Now, in the same sort of vein, the same sort of
04:52PM 18 discussion about Italian Organized Crime, did Mr. Bongiovanni
04:52PM 19 ever talk to you about family he had in another part of the
04:52PM 20 country in the context of organized crime?

04:52PM 21 A. He -- yeah, he mentioned an uncle he in Las Vegas.

04:53PM 22 Q. Did he mention the name or nickname of that person he
04:53PM 23 called an uncle?

04:53PM 24 A. Yeah, I never knew his name, he just called him his
04:53PM 25 Uncle Cheech.

04:53PM 1 Q. Uncle Cheech?

04:53PM 2 A. Yeah, I never knew the guy's name.

04:53PM 3 Q. Sticking now on the topic of Mr. Bongiovanni --

04:53PM 4 **MR. TRIPI:** And, Judge, I think once we get through
04:53PM 5 these next couple of questions, it might be a good breaking
04:53PM 6 point. We're about five minutes early, right?

04:53PM 7 **THE COURT:** Sure.

04:53PM 8 **BY MR. TRIPI:**

04:53PM 9 Q. Do you know a woman named Dana Panepinto?

04:53PM 10 A. Yes.

04:53PM 11 Q. In sort of high school, late high school going into early
04:53PM 12 college age, so late teens, early 20s, did Mr. Bongiovanni
04:53PM 13 have a romantic relationship with that young lady?

04:53PM 14 A. Yeah, it was his girlfriend back then.

04:53PM 15 Q. About how long did they date for?

04:53PM 16 A. Four or five years.

04:53PM 17 Q. Would this be sort of high school into college time
04:54PM 18 period?

04:54PM 19 A. I believe so, yes.

04:54PM 20 Q. What -- do you know Dana Panepinto's father's name?

04:54PM 21 A. Donnie.

04:54PM 22 Q. Does he have a nickname?

04:54PM 23 A. Turtle.

04:54PM 24 Q. Sort of by -- by the same reputation I've been asking you
04:54PM 25 about, did -- did Mr. Panepinto, also known as Turtle, have a

04:54PM 1 reputation in the community you grew up in with having an
04:54PM 2 association with Italian Organized Crime?

04:54PM 3 **MR. SOEHNLEIN:** Objection, relevance and foundation.

04:54PM 4 **MR. TRIPI:** This goes Mr. Bongiovanni, Your Honor.

04:54PM 5 **THE COURT:** Yeah, overruled.

04:54PM 6 **THE WITNESS:** Yes. Again, it was all rumors that

04:54PM 7 we -- yes.

04:54PM 8 **BY MR. TRIPI:**

04:54PM 9 Q. I'm asking about reputation.

04:54PM 10 A. Yeah, reputation, yes.

04:54PM 11 **MR. TRIPI:** Okay. I'm to another topic. Do you want
04:55PM 12 me to keep going, Judge?

04:55PM 13 **THE COURT:** No, I think this is probably as good a
04:55PM 14 time as any, Mr. Tripi.

04:55PM 15 **MR. TRIPI:** Okay.

04:55PM 16 **THE COURT:** Some of our jurors have been through a
04:55PM 17 very long day.

04:55PM 18 **MR. TRIPI:** Yes.

04:55PM 19 **THE COURT:** So we will now break for the evening.

04:55PM 20 Please remember my instructions about not
04:55PM 21 communicating about the case at all with anyone.

04:55PM 22 Don't communicate electronically about the case,
04:55PM 23 don't use electronic means or any means to learn anything
04:55PM 24 about the case. Don't read, or watch, or listen to any news
04:55PM 25 coverage of the case.

04:55PM 1 Again, we've had testimony about news coverage of
04:55PM 2 this case. I don't want you to get curious now, especially
04:55PM 3 this far into it, and ruin things by learning something that
04:55PM 4 you shouldn't know about the case. Everything you should know
04:55PM 5 about this case comes from this courtroom and only this
04:55PM 6 courtroom. It's extremely important.

04:55PM 7 So don't read, or watch, or listen to, or talk to
04:55PM 8 anybody about any news coverage of the case, if there is any,
04:55PM 9 while the trial is in progress.

04:55PM 10 Don't make up your mind until you start deliberating.

04:55PM 11 See you tomorrow morning at 9. Again, come in early.
04:56PM 12 Leave early if you have to. If the weather is bad, leave
04:56PM 13 early and get here a little bit early, please, because I want
04:56PM 14 to get at least a half day in tomorrow. So we'll go from 9
04:56PM 15 until noon.

04:56PM 16 And then on Friday, we'll start at 9:30 and go until
04:56PM 17 probably 4ish. Okay?

04:56PM 18 Thanks very much. Get a good night's sleep. And
04:56PM 19 drive carefully, please, both tonight and tomorrow morning.

04:56PM 20 (Jury excused at 4:56 p.m.)

04:56PM 21 **THE COURT:** Okay. Mr. Selva, don't talk to anybody
04:56PM 22 except your lawyer about your testimony in the overnight,
04:57PM 23 okay?

04:57PM 24 **THE WITNESS:** Yes, Your Honor.

04:57PM 25 **THE COURT:** Great. Anything we need to do before we

04:57PM 1 break? From the government?

04:57PM 2 **MR. TRIPI:** No, thank you, Judge.

04:57PM 3 **THE COURT:** From the defense?

04:57PM 4 **MR. FOTI:** No, thank you.

04:57PM 5 **THE COURT:** Okay. We'll see you folks tomorrow
04:57PM 6 morning.

04:57PM 7 **THE CLERK:** All rise.

04:57PM 8 (Excerpt concluded at 4:57 p.m.)

04:57PM 9 * * * *

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2 **CERTIFICATE OF REPORTER**
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4 In accordance with 28, U.S.C., 753(b), I
5 certify that these original notes are a true and correct
6 record of proceedings in the United States District Court for
7 the Western District of New York on December 11, 2024.
8
9

10 s/ Ann M. Sawyer
11 Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.
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